

February 13, 2023

CALIFORNIA DEPARTMENT OF SOCIAL SERVICES

EXECUTIVE SUMMARY

ALL COUNTY LETTER NO. 23-16

The purpose of this All County Letter is to provide information regarding Senate Bill 532 (2022) and the students in foster care high school coursework and graduation requirement exemption changes.



KIM JOHNSON
DIRECTOR

CALIFORNIA HEALTH & HUMAN SERVICES AGENCY
DEPARTMENT OF SOCIAL SERVICES
744 P Street • Sacramento, CA 95814 • www.cdss.ca.gov



GAVIN NEWSOM
GOVERNOR

February 13, 2023

ALL COUNTY LETTER NO. 23-16

TO: ALL COUNTY CHILD WELFARE DIRECTORS
ALL COUNTY CHILD WELFARE PROGRAM DIRECTORS
ALL CHIEF PROBATION OFFICERS
ALL FEDERALLY RECOGNIZED TRIBES
ALL FOSTER CARE PROGRAM MANAGERS
ALL FOSTER FAMILY AGENCY DIRECTORS
ALL GROUP HOME DIRECTORS
ALL ADOPTION REGIONAL AND FIELD OFFICES
ALL JUDICIAL COUNCIL STAFF

SUBJECT: **STUDENTS IN FOSTER CARE HIGH SCHOOL COURSEWORK
AND GRADUATION REQUIREMENT EXEMPTIONS**

REFERENCE: [SENATE BILL 532 \(CHAPTER 918, STATUTES OF 2022\);
EDUCATION CODE SECTIONS 51225.1, 51225.2, & 49069.5](#)

PURPOSE

The purpose of this All County Letter (ACL) is to provide county child welfare agencies, probation departments, and other interested parties with information regarding the high school coursework and graduation requirement exemption changes for youth in foster care prompted by [Senate Bill \(SB\) 532](#) (Chapter 918, Statutes of 2022).

This bill expands and strengthens the rights for foster youth, homeless youth, a former foster youth who was a ward of the court that attended juvenile court school, children of military families, newcomer students, and migratory children to be exempted from local graduation requirements if certain conditions are met. It requires local educational agencies (LEAs) to provide those eligible students the option to remain in school for a fifth year to complete the statewide coursework. As a result of this bill LEAs are now also required to annually report to the California Department of Education (CDE) the number of students that graduate with an exemption from the LEA's local graduation requirements.

BACKGROUND

Numerous studies indicate that student mobility (e.g., students changing schools other than when they are promoted from one school level to the other) is associated with poor educational outcomes. [The Invisible Achievement Gap](#) studied education outcomes of California students in foster care demonstrating that students in foster care were consistently among the lowest performing subgroups academically in math and English, had the highest dropout rates and were less likely to graduate from high school than other students due to impacted stability of school placements. Another longitudinal study ([Herbers, 2014](#)) found that students who experience more school changes between kindergarten and twelfth grade are less likely to complete high school on time, more likely to complete fewer years of school, and attain lower levels of occupational prestige, even when controlling for poverty. Results of this study indicated more negative outcomes associated with moves later in the grade school career, particularly between fourth and eighth grade.

This bill aims to strengthen [Education Code 51225.1](#), which currently provides expanded opportunities to achieve a high school diploma for highly mobile students (students who are experiencing homelessness, are in foster care, a former foster youth who was a ward of the court that attended juvenile court school, are in military families, are migrant or in the newcomer program), that experience a school move after their second year in high school. Currently, [Education Code 51225.1](#) provides students with the option to opt-in to a 5th year of high school to complete LEA coursework requirements that are in addition to the statewide coursework requirements, or graduate with an exemption from LEA coursework requirements in their fourth year of high school.

In addition, this bill also supports increases in graduation rates for eligible youth by making updates to partial credit laws to ensure that highly mobile students are receiving all the credits that they earn toward graduation. While current law requires LEAs to award partial credits based on seat time, updates to the law allow for districts to use dates of enrollment to determine how many credits to award. This change may simplify partial credit calculation for districts and will also ensure youth are not inequitably penalized for absences in a way that other youth are not. It also supports the consistent issuance of partial credits by clarifying the LEA responsible for awarding the credits and the timelines for credit transcript record transfer between districts. Finally, the law also clarifies how partial credits can be combined toward state graduation requirements.

STATEWIDE GRADUATION REQUIREMENTS

Since the 1986-87 school year, the [CDE](#) has required students receiving a diploma from a California high school to have completed all of the following one-year (unless otherwise specified) courses while in high school:

- Three courses in English.
- Two courses in mathematics, including one year of Algebra I.
- Two courses in science, including biological and physical sciences.

- Three courses in social studies, including United States history and geography; world history, culture, and geography; a one-semester course in American government and civics, and a one-semester course in economics.
- One course in visual or performing arts, foreign language, or career technical education.
- Two courses in physical education.

Existing law authorizes local school district governing boards to impose additional graduation requirements beyond the state-mandated graduation requirements, and many school districts and charter schools have added some additional local graduation requirements, such as four years of English or three years of math, or a health course, and some have incorporated the University of California/California State University A-G admission requirements into their local graduation requirements.

STATUTORY CHANGES

Senate Bill 532 amends the [Education Codes 51225.1](#) & [51225.2](#) as follows:

- If the LEA determines that a highly mobile student (e.g., a student who experiences multiple school moves during their K-12 education outside of regular grade promotion) is reasonably able to complete the LEA's graduation requirements within the student's fifth year of high school, they are required to consult with a pupil in foster care or the pupil who is a homeless child or youth regarding the pupil's option to remain in the pupil's school of origin, pursuant to federal law.
 - An LEA that exempts a highly mobile student from local graduation requirements, as required by current law, is required to consult with, rather than inform, the student and their parent or guardian on how graduating with the state graduation requirements may affect the pupil's postsecondary or vocational future and other options available to assist the pupil and their parent or guardian in making an informed decision such as the availability of credit recovery options.
- To determine whether a mobile student is in the third or fourth year of high school and eligible for exemption the following must be considered:
 - Number of credits earned to the date of transfer
 - Length of student's enrollment, and
 - Significant gap in school attendance
 - The gap in school attendance is determined by the average age of the eligible student to their peers.
- Requires a school district to exempt a mobile student for the following reasons:
 - Eligible student was not properly notified
 - Eligible student declined exemption
 - Eligible student later requests an exemption, even if they are no longer homeless or court terminated the jurisdiction.

- Requires a school district to provide a mobile student the option to remain in school for a fifth year to complete the statewide coursework requirements, if the mobile student, who transferred between schools any time after the completion of the student's second year of high school, is not reasonably able to complete the *school district's graduation requirements* within the student's fifth year of high school, but is reasonably able to complete the *statewide coursework requirements* within the student's fifth year of high school.
- Requires a school district to reevaluate a mobile student's eligibility within the first 30 calendar days of the next academic year after they were determined to be ineligible, in order to determine if the student continues to be reasonably able to complete the school district's graduation requirements in time to graduate from high school by the end of the pupil's fourth year of high school. If the student is not reasonably able to complete the school district's graduation requirements in time to graduate from high school by the end of the pupil's fourth year of high school, the school district must exempt the student from all coursework and other requirements adopted by the governing board of the school district that are in addition to the statewide coursework requirements and provide notification of the availability of the exemption.
- Extends the exemptions provisions to mobile students who are enrolled in an adult education program, regardless of their age, and to students enrolled in an adult education program, who, while enrolled in high school, would have qualified as mobile students.
- Specifies that the person who decides whether utilizing the graduation exemption is in the student's best interests is the student's education rights holder, or the student if they are 18 years old.
- Specifies that for purposes of the exemption's provisions for a student who, as defined by The McKinney Vento Homeless Education Act, is an unaccompanied youth, as that term is defined in federal law, the "person holding the right to make educational decisions for the pupil" is the unaccompanied youth themselves.
- Requires each LEA to report to the CDE annually the number of students that graduate with an exemption from the LEA's graduation requirements that are in addition to the statewide coursework requirements and requires that data to be reported for students graduating in the fourth year and fifth year cohorts, and to be disaggregated by student category, race and disability.
- Requires LEAs to issue a transcript, including partial credits, and seat time and length of enrollment, for any credits earned at their LEA.
- Requires an LEA to combine partial credits from classes meeting the same graduation requirement to meet the state minimum graduation 'yearlong' course requirement when determining graduation eligibility, although grades and credits

from different LEAs must be listed separately as coming from each individual LEA on a transcript.

- Allows LEAs to issue partial credits based on either seat time or time of enrollment.

PRACTICE IMPLICATIONS

It is always important for social workers and probation officers to engage with youth, families, and educational rights holders to ensure the youth's educational needs are being met. It is also critical that youth understand and actively participate, as age and ability appropriate, in discussing what is in their best interests and exercising their educational rights. These changes to graduation requirements and how they may affect their postsecondary or vocational future should be discussed during the development of their education plans, case plans, and in Child and Family Team meetings.

Caseworkers should also be communicating with schools and collaborating to jointly figure out the best options for the student. Monthly caseworker visits, as well as other contacts, with youth and their caregivers and educational rights holders provide an opportunity for the social worker/probation officer to address educational needs on an ongoing basis and demonstrate needs were appropriately addressed in case planning and case management activities. Also, when the child or youth is an Indian child, it is important that the social worker or probation officer collaborate and consult with the tribal representative in their efforts to meet the educational needs of the child or youth.

It is also important for social workers and probation officers to engage with foster youth students regarding the wide variety of pathways available to a postsecondary degree, including attendance at a community college, for which a high school diploma is not required. Foster youth students' future educational plans can change often as they progress through high school. Frequent check-ins with these students are needed to understand their current educational progress along with their desires for future educational opportunity will be critical to ensure that the proper pathway to a high school or postsecondary program is pursued.

If you have any questions or need additional guidance regarding the information in this letter, please contact the Permanency Services and Support Unit at (916) 657-1858 or by emailing FosterCareEducation@dss.ca.gov.

Sincerely,

Original Document Signed By

ANGIE SCHWARTZ
Deputy Director
Children and Family Services Division